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HOUSING & URBAN DEVELOPMENT DEPARTMENT

NOTIFICATION

The 16th January 2008

S.R.O. No.35/2008—The following draft of certain rules further to amend the Orissa Municipal (Delimitation of Wards, Reservation of Seats and Conduct of Election) Rules, 1994, which the State Government proposes to make in exercise of the powers conferred by Section 387 of the Orissa Municipal Act., 1950 (Orissa Act 23 of 1950) is hereby published as required by section 392 of the said Act for information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration by the State Government on or after the expiry of a period of thirty days from the date of publication of this notification in the Orissa Gazette.

Any objection or suggestion which may be received from any person in respect of the said draft before expiry of the period so specified above shall be considered by the State Government.

DRAFT

1. (1) These rules may be called the Orissa Municipal (Delimitation of Wards, Reservation of Seats and Conduct of Election) Amendment Rules, 2008.  
(2) They shall come into force on the date of their publication in the Orissa Gazette.
2. In the Orissa Municipal (Delimitation of Wards, Reservation of Seats and Conduct of Election) Rules, 1994 (hereinafter referred to as the said rules), in rule 2,
  - (a) after clause(h) , the following clause shall be inserted, namely :—

“(i) ‘Presiding Officer’ means any person appointed as such by the Election Officer to preside over the conduct of elections at one or more polling stations within the ward”; and
  - (b) the existing clauses (i) to (m) shall be renumbered “(j) to (n)” respectively.

3. In the said rules, in rule 11, after the words "Election Officer" appearing in the last sentence, the words, "subject to appeal" shall be inserted; and

(i) after rule 11, the following rule shall be inserted namely :—

"11-A . Any person aggrieved by the orders passed by the Election Officer, under rule 11 shall file an appeal petition before the District Magistrate within five days from the date of completion of all works under rule 11 and 13 by the Election Officer. The District Magistrate shall within seven days from the last date of receipt of the appeal dispose of the appeal, by conducting a summary enquiry, either by himself or by an officer authorized by him not below the rank of Additional District Magistrate. The order passed by the District Magistrate as Appellate Authority shall be final .

4. In the said rules, in rule 15, in sub-rule (1) the words and figures "and 11-A" shall be inserted after the words and figure "rule 11".

5. In the said rules, in rule-23, for sub-rule(1), the following shall be substituted namely: —

" (I) As soon as notification by the State Government under sub-rule(1) of Section 12 (2) is published, the Election Commission shall by notification in the official gazette, appoint."

6. In the said rules, in rule 15, for sub-rule (3), the following sub-rule shall be substituted, namely : —

"(3) An elector shall not sign for more than one candidate".

7. In the said rules, in rule 29, for clause (i), the following clause shall be substituted, namely :—

"(i) That the candidate is eligible for contesting the Election under section 16 of the Act."

8. In the said rules, in rule 30, —

(a) for the marginal heading, the following shall be substituted , namely:—

"publication of valid nomination papers and final list of contesting candidates."

(b) for sub-rule (1), the following sub-rule shall be substituted, namely :—

"(1) (a) On completion of scrutiny of nomination, the Election Officer shall prepare a list of validly nominated candidates in Form No. XII for

each Ward arrange them in alphabetical order in oriya and published on the notice board of his office.”

(b) After expiry of the period, within which candidature may be withdrawn under sub-rule(1) of Rule 31, the Election Officer shall in Oriya, prepare a final list of contesting candidates for each ward in Form XII-A of persons whose nominations have not been rejected and who have not withdrawn their candidature and publish it on the notice board of his office not later than two days after the expiry of the period within which candidature may be withdrawn and at least four days before the date fixed for the polling.”

(c) the words “Reservation Status ……” shall be mentioned at the right corner of the Form XII”.

9. In the said rules, rule 33 shall be deleted.

10. In the said rules, in rule 35—

(a) in sub-rule (1), after the word “ forthwith” , the words “ Presiding Officer and “ shall be inserted;

(b) in sub-rule (2), the words after the words “provide for each” the words “Presiding Officer and” shall be inserted ; and

(c) in sub-rule (3), the words “The Polling Officer” shall be substituted by the words “The Presiding Officer.”

11. In the said rules, in rule 40, in sub-rule (3), the words “ The Polling Officer” shall be substituted by the words “The Presiding Officer.”

12. In the said rules, in rule 42, the words “ The Polling Officer” shall be substituted by the words “ The presiding Officer”.

13. In the said rules, in rule 45, for sub-rule (4) the words “The Polling Officer” shall be substituted by the words “The Presiding Officer”.

14. In the said rules, in rule 46, the words “The Polling Officer” shall be substituted by the words “The Presiding Officer”.

15. In the said rules, in sub-rule (2) of rule 50, the words “The Polling Officer” shall be substituted by the words “The Presiding Officer”.

16. In the said rules, in rule 51, —

(i) the words “The Polling Officer” wherever occur shall be substituted by the words “The Presiding Officer”; and

(ii) in sub-rule (1), the words " of a sum of rupees twenty in cash" shall be inserted after the words "A separate deposit" .

17. In the said rules, in rule 52, —

(a) for the proviso to sub-rule (i), the following proviso shall be inserted, namely:—

"Provided that if the Presiding Officer, a Polling Officer, Public Servant or Polling Agent is on duty at a polling station which is not in the ward in which he is entitled to record his vote, the Election Officer shall in addition to the certificate mentioned above furnish the Presiding Officer concerned with particulars regarding the name of and serial number and symbol assigned to the candidate standing for election in that ward and also with ballot paper relating thereto"; and

(b) in sub-rule (2), in clauses (i) to (iii), for the words "Polling Officer" wherever appear, the words "Presiding Officer" shall be substituted".

18. In the said rules, in rules 53 to 57, the words "Polling Officer" wherever they appear, shall be substituted by the words "Presiding Officer".

19. In the said rules in rules "57C to 57K", the words "The Polling Officer" wherever they appear, shall respectively be substituted by the words "Presiding Officer".

20. In the said rules, in rule 61, the words "The Polling Officer" shall be substituted by the words "The Presiding Officer".

21. In the said rules, for Form-II, the following form shall be substituted, namely:—

“FORM II

[See rule 7]

Notice to file claims and objections

The preliminary Electoral Roll of voters of Ward No..... of the Municipality/NAC/Corporation has been duly published for general information: —

Any person who claims to be entered in this roll and who is not entered in it or is entered in an incorrect place, or with incorrect particulars may put in a claim to the Election Officer to have his name entered or the rolls corrected.

Any person whose name is on this register and who objects to the correctness of the entry or to the inclusion of his own name or the name of any other person whose name is on the roll may prefer an objection to the Election Officer.

Claims shall be preferred in Form No. III and objection in Form IV. Copies of the Forms will be supplied free of cost by the Election Officer on application.

Claims and objections may be presented in person or sent by post or by messenger. They shall in all cases reach the Election Officer at..... (give address in details here) before the termination of office hours on the .....

Presentation in person or delivery by messenger shall be during the office hours only.

Claims and objections which are not preferred in proper Form or are not received by the date and time aforesaid will be rejected.

All claims and objections received in time and in proper Form will be heard by Election Officer on..... at.....(place).

Election Officer.....

Date....."

22. In the said rules, for Form-III, the following Form shall be substituted, namely: —

“FORM III

[See rule 8 (2)]

Notice to claim for correction of Registry of Registration.

To

The Election Office of.....  
Municipality/N.A.C/Corporation.

Sir,

I hereby give notice that I claim to have my name corrected/entered in the register of the electoral roll for the Ward No..... of ..... Municipality/N.A.C/Corporation as follows: —

Name in full of claimant and father's or husband's name also number on the preliminary roll.	Address, Holding No. Mahala, Ward No.	Age.
(1)	(2)	(3)

I declare that I am ordinary resident (within the meaning of sections 19 and 20 of the Representation of people Act, 1950) of Holding No.....in..... Mahala .....Ward No. of.....Municipality/NAC/Corporation.

Yours faithfully,

Signature of claimant”

Election Officer"

24. In the said rules, after Form XII, the following Form shall be inserted, namely: —

“FORM NO.XII – A

[See rule 30(1)(b)]

Final list of contesting candidates.

.....Municipality/N.A.C Ward No..... Reservation Status.....

Sl. No.	Name of candidate	Communities to which candidates belong	Address of the candidate	(Symbol) as assigned to candidates	Whether eligible for reserved seat
(1)	(2)	(3)	(4)	(5)	(6)

Note – The poll will be taken on the .....day of 200.....

Between.....and..... at the Polling Station already notified.

Election Officer”



25. In the said rules, in Form XVIIC, for Part-II, the following part shall be substituted, namely: —

“PART-II  
RESULT OF COUNTING  
(See Rule-58B)

Sl.No	Name of the Candidate	No. of votes recorded.		
		No. of votes as per EVM	No. of votes as per EDC	Total No. of votes [Col.(3) + (4)]
(1)	(2)	(3)	(4)	(5)
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
	Grand total			

Whether the total nos. of shown above tallies with the total No. of votes shown against item 3 Part I or any discrepancy noticed between the two totals.

Place:

Signature of Counting Supervisor.

1.

2.

3.

4.

5.

6.

7.

8.

Place:

Date:

Signature of Election Officer”

[No-1636- Legis-III-OMR-1/2007/HUD.]

By order of the Governor

R.R MALLICK

Director, Municipal Administration &  
Ex-Officio Additional Secretary to Government